



Ninety-Seventh Legislature - First Session - 2001
Committee Statement
LB 574

Hearing Date: 01/29/01

Committee On: Transportation and Telecommunications

Introducers: (Transportation and Telecommunications Committee)

Title: Provide for a digital system for issuance of motor vehicle operators' licenses and state identification cards

Roll Call Vote – Final Committee Action:

- X Advanced to General File
- Advanced to General File with Amendments
- Indefinitely Postponed

Vote Results:

7	Yes	Senators Jones, Baker, Robak, Dw. Pedersen, Byars, Hudkins and Bromm
	No	
	Present, not voting	
1	Absent	Senator Brown

Proponents:

Senator Curt Bromm
Beverly Neth
Joel D. Schafer

Tom Casady
Joy L. Budler
Richard Lutz
Jim Moylan
Mark Lutz

Representing:

23rd District
Department of Motor Vehicles
Association of Students of the University of Nebraska
City of Lincoln
Nebraska Retail Federation
Nebraska Restaurant Association
Nebraska Licensed Beverage Association
Nebraska Restaurant Association

Opponents:

Jim Halvorsen

Representing:

Neutral:

Representing:

Summary of purpose and/or changes:

Section 1

Includes these new sections in the Motor Vehicle Operator's License Act.

Section 2

Provides for scope of application of various sections, and new sections to the Motor Vehicles Operator's License Act.

Section 3

New intent section authorizing conversion to a digital driver license system for issuing licenses and ID cards, and for electronic renewal of licenses and ID cards. Provides for implementation on July 1, 2004, or earlier at the designation of the Director. Provides authorization for new fees when system is implemented.

Section 4

(1) Requires each applicant for a license or state ID to have a digital image taken and preserved in the system and specifies the legal uses of the digital image. (2) Requires each applicant to provide a signature that will be preserved in a digital format, and specifies legal uses of the preserved signature. (3) Authorizes the capture and storage of biometric identifiers. Specifies that use of such information is limited to the Department and law enforcement for a law enforcement purpose.

Section 5

The new language at the end of the section allows the Department to use information preserved in the digital system (images, etc.) to be used as identification for purposes of license issuance.

Section 6

Removes signature requirement that will be archaic under the digital system. The signature language in section 4(2) replaces this requirement.

Section 7

New language provides an expiration date for ID cards issued to persons under age 21. Such ID will expire in five years on the birthday or at age 21, whichever comes first. Provides that a person under age 20 may renew an ID card within 90 days of the expiration date. Note: current law provides that 20 year olds have to renew within 60 days of the 21st birthday but the card will not be issued sooner than ten days prior to the birthday.

Section 8

Streamlines the requirements for what anatomical gift information must appear on a license or ID card. The digital license or ID card will have an indicator if the applicant wants to be a donor.

Section 9

Harmonizes provisions to allow DMV to renew licenses and ID cards as provided in section 16 (8) of the bill once the digital system is in place, as well as continuing to have licenses and ID cards renewed in each local examining station.

Section 10

Harmonizes provisions to allow DMV to issue licenses or ID cards by electronic means as provided in section 16 of the bill. This section describes the traditional application process, which will continue at each local examining station.

Section 11

This section is a completely redrafted driver license and ID card fee provision. The section provides tables that compile the total fee collected for each kind of license or permit or ID issued and how the fees are to be split. The tables should be more comprehensible than the fee language that currently appears in the various places throughout the licensing statutes. The section has two main parts: Subsection (2) is a table showing current license and ID card fees.

This fee structure will be retained until the new digital system is implemented. These are the fees currently charged for various types of licenses and IDs, now set out in one place in the statute; Subsection (3) is a table showing the fees that will be charged for licenses and IDs when the digital driver license system is implemented. The new system will raise the cost of a five year license or ID card five dollars. The five dollar raise in the fee will finance the implementation of the digital driver license system. Subsection (4) provides that if a license or ID is issued electronically by DMV under the new digital system, the county portion of the fees will be remitted to the DMV cash fund. Lastly, unnecessary language in the old fee statute is stricken.

Section 12

The stricken language in this section is transferred to amendments to section 13 of the bill which requires the Department to provide license supplies. The language clarifies that the county official may issue the license or ID card upon presentation of the examiner's certificate but does not tie issuance to a particular county which provides for better customer service. This provision harmonizes with previously enacted changes allowing a person to apply for a license or ID card in any county, rather than requiring that the application be made where they live. Subsection (2) provides that DMV will design the form of the license and authorizes the use of security features. This section specifies the information required to be captured on the license, which includes name, residential and post office address, photo or image of the licensee, licensee's physical description, date of birth, class of license and endorsements, date issued and expiration date, and anatomical gift information.

Section 13

Provides that all types of licenses and ID cards, except farm permits, have a photograph (or digital image of the licensee pursuant to the implementation of the digital system as provided in section 4 of the bill) and provides that licenses may be issued by the county or by DMV. Subsection (1) provides that the Department will supply the equipment and supplies for production of licenses. Changes to p. 26, lines 11-14, are necessary so that the counties will continue to pay for their employees time spent capturing a photo or digital image if the county issues the license at a local examining station. If the license is issued by DMV then that cost belongs to the Department – i.e., the personnel cost belongs to the issuer of the license. Subsection (2) Revisor's clean up. Subsection (3) Reflects the effect of the change to a five-year license system on minor's operator's licenses and id cards. After 3/31/2003 the expiration date will no longer be a problem because the change over will be completed with regard to minors' licenses now in existence.

Section 14

This section provides for issuance of duplicate and replacement licenses and ID cards in a variety of situations, in general provides that the counties or DMV may issue such licenses, and provides reference to the new fee section while removing the old fee language. Subsection (8) allows such duplicates or replacements of operator's licenses or ID cards to be obtained by electronic means from the department after the digital system is implemented and if there is a digital image and signature preserved in the system. Issuance by "electronic means" encompasses both Internet and telephone access to the Department for the public. Counties will be able to continue to issue duplicates or replacement as they have traditionally done, even after the implementation of the system, so walk-in customers will still be served at the county level.

Section 15

Provisional operator's permit section. The only change here is the reference to the new inclusive fee section in section 11.

Section 16

This is the renewal section for licenses (other than CDL's) and ID cards. Most of the changes provide for harmonization. The language in subsection (8) will allow the Department to create a method for qualified licensees (aged 22 to 64) to be able to renew an operator's license electronically one time, without a visit to an examining station if the licensee has an image and signature preserved in the digital system. A person will be required to have a new image and signature captured at least every ten years by coming to a local examining station. For purposes of this section, qualified licensees will be determined by rules and regulations promulgated by the department pursuant to its authority in 60-482. Subsection (9) provides for a one time electronic renewal of ID card. Nothing in this section changes a licensee's or ID card holder's ability to renew the license or ID at a local examining station as has been done traditionally.

Section 17

Learner's permit section. Reference to the new fee section in section 11 of the bill.

Section 18

School permit section. Reference to the new fee section in section 11 of the bill.

Section 19

Farm permit section. Exempts farm permits from the digital system. Reference to the new fee section in section 11 of the bill.

Section 20

Motorcycle license (Class M) section. Removes an unnecessary reference to the photograph on the license. All licenses will be issued with photograph or digital image pursuant to section 13 of the bill.

Section 21

Employment driving permit section. Makes the permit a part of the digital licensing system and provides for the issuance of employment permits with a digital image upon the implementation of the system and once an image and signature is preserved in the system.

Section 22

Medical hardship permit section. Makes the permit a part of the digital licensing system and provides for the issuance of medical hardship permits with a digital image upon the implementation of the system and once an image and signature is preserved in the system.

Section 23

Learner's permit for a commercial motor vehicle driver's license. Provides a reference to the new fee section in section 11 of the bill.

Section 24

Section for issuing commercial driver licenses (CDLs). Provides a reference to the new fee section in section 11 of the bill.

Section 25

Section provides for duplicate and replacement commercial driver licenses. Provides a reference to the new fee section. Strikes old fee language.

Section 26

Adds digital image reference to the description of the required information on a commercial driver's license.

Section 27

Harmonizes provisions with a reference to the new fee section in section 11 of the bill.

Section 28

Adds a digital image reference in the description of the state ID card.

Section 29

Harmonizes the fee provisions for state ID cards and provides a reference to the new fee section in section 11 of the bill.

Section 30

Authorizes the Department to develop the digital driver license system and provides for licenses to be issued by the Department.

Section 31

Harmonizes provisions with the (federal) Driver Privacy Protection Act and provides that the digital image and signature shall be considered sensitive personal information.

Section 32

Repealer Clause.

Explanation of amendments, if any:

Senator Curt Bromm, Chairperson